

## **Marx, Joshua A NWK**

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**From:** Jeff Roos [jmroos01@gmail.com]  
**Sent:** Sunday, August 16, 2009 9:17 PM  
**To:** Marx, Joshua A NWK  
**Subject:** RE: Draft EA for BNSF Intermodal Facility in Gardner, KS

Dear Mr. Joshua A. Marx,

It has come to my attention that the Environmental Assessment that has been conducted is insufficient and likely inaccurate.

Many causes for concern are listed here. The method of collecting air samples at the Argentine site and the subsequent air quality model created are not to minimum EPA requirements. No data was submitted for diesel plume emissions from the intermodal site, from dispersion by prevailing winds, or for deposit amounts on the nearby high school and middle school. The scope and size of this project clearly calls for a full environmental impact statement, as harmful effects are certain including the settling of a diesel plume over school children and local residents. The Kansas City basin air quality standards will be forced into non-compliance levels by a large increase in truck traffic in and around the metro area due to the intermodal project.

Particulate matter emission deposits in surrounding water sources and storm runoff have not been calculated or examined for mitigation.

Settlement ponds are inadequate to handle toxic runoff from heavy rain with no onsite treatment plan. An onsite fueling depot has no mitigation plan for catastrophic spill runoff. Contamination of Hillsdale Lake, a drinking water source for thousands of people, including many of my friends & their families, is an eminent threat.

Toxic diesel particulate matter from trains, trucks, export trucks and various railyard vehicles would fall into settlement ponds and streams with no treatment prior to discharge into Hillsdale Lake. No data was provided for contamination to ponds or streams from the logistics park, which would be build simultaneously with the intermodal facility, as required by federal regulation (40 CFR 1508.7).

Contamination from the logistics park would double the toxic figures submitted. It is inadequate that settlement ponds connected to the realigned stream be used for storm runoff mitigation due to the significant threat to Hillsdale Lake. All storm runoff needs to be collected and fully treated to safe levels prior to discharge. Grease, oil and diesel discharge from the intermodal facility will cause catastrophic loss of life to aquatic plants and animals in Bull Creek and Hillsdale Lake. The methods and data used by BNSF to submit to the Army Corps for water mitigations were not to normally accepted standards per the National Environmental Policy Act regulations. A traffic review should include all data for the logistics park, which would be built at the same time as the intermodal and double the figures used for this permit.

Those concerns are serious enough, without adding the levity of the following, greatly upsetting details. No data submitted has been examined or verified by a neutral third party. All data was submitted as an environmental assessment study only, as apposed to the full environmental impact statement required when federal funds are sought.

A 50 million dollar TIGER fund is being sought from the federal government per the stimulus package for BNSF. An EIS is required when federal projects have a significant environmental impact. It has been shown by other established railyard facilities that there undoubtedly are significant environmental impacts from facilities of this magnitude. Taxpayers have the right to know about the consequences created from projects such as this one.

The fact is, if this proposed BNSF intermodal railyard is constructed, it will effect us all- those that live, work, raise crops and livestock in and/or near Gardner, KS, those that live in southern Johnson County, those that live in the whole of the KC Metro area and nearby areas. Your commute to work would be likely to change. We all have the right to know the facts that have yet to be uncovered and released to the public.

Please reevaluate the permit with a full Environmental Impact Statement and Health Risk Assessment.

Thank you for your time.

Sincerely,

Jeff Roos